

AMENDED IN ASSEMBLY MARCH 23, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1799

Introduced by Assembly Member Fong

February 10, 2010

An act to amend Section 3014 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1799, as amended, Fong. Voting: replacement ballots.

Under existing law, a voter in a vote by mail election may request and receive from the elections official a 2nd ballot if the voter provides a statement under penalty of perjury that he or she has failed to receive, lost, or destroyed the original ballot. The elections official is required to verify that the voter who receives a duplicate ballot has not attempted to vote twice. Under existing law, ballots of a voter who attempts to vote more than once in the same election are void.

This bill would remove the requirement that a voter who requests a replacement ballot provide a statement under penalty of perjury that he or she has failed to receive, lost, or destroyed the original ballot, *would* require the elections official to verify *that prior to issuing* a replacement ballot ~~will not be counted if a voted original ballot is received~~ *that the voter has not already cast a ballot in the same election*, and *would* prohibit the processing and tallying of more than one ballot from a voter in the same election.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3014 of the Elections Code is amended
2 to read:
3 3014. The elections official shall send a replacement vote by
4 mail voter ballot to any voter who requests one and represents that
5 he or she has failed to receive, lost, or destroyed his or her original
6 ballot.
7 The elections official shall keep a record of each vote by mail
8 voter ballot sent to and received from a voter and shall verify, prior
9 to ~~counting~~ *issuing* any replacement ballot, that the voter has not
10 already cast a ballot in the same election. If an original vote by
11 mail ballot is received from a voter who has requested a
12 replacement vote by mail ballot, that original ballot shall be held
13 until such time as it can be determined that the voter does not
14 intend to return the replacement ballot, after which time it can be
15 processed and tallied pursuant to Chapter 2 (commencing with
16 Section 15100) of Division 15. In no event may more than one
17 ballot of a voter be processed and tallied in an election.